

### **REMARKS**

Applicant respectfully requests reconsideration of this application. Claims 1-24 are pending. Claims 1, 9, 13, and 19 have been amended. No claims have been canceled or added.

Applicant notes with appreciation that the rejection of claims 1-24 under 35 U.S.C. § 112, second paragraph have been withdrawn.

Claims 1,2,4,6,7,9,10, and 12 are rejected under 35 U.S.C. §103(a) as being unpatentable over Kuroyanagi et al. (US 6,433,900 B1), in view of Ikeda et al. (US 7,242,860 B2). Applicant respectfully traverses the rejection.

Claim 1 as amended sets forth:

*using a switch to select only one of the first and the second outgoing optical signals* from the optical network node;  
outputting the only one of the first and the second outgoing optical signals selected;  
declaring a failure of the optical network node if only one of the first and the second outgoing optical signals has failed; and  
maintaining a *signal selection state of the switch* to continue outputting the only one of the first and the second outgoing optical signals *in the same direction* if both of the first and the second outgoing optical signals have failed.  
(Claim 1 as amended; emphasis added)

In contrast, neither Kuroyanagi nor Ikeda, alone or in combination, teaches the above limitation. As admitted in the Office Action, Kuroyanagi fails to teach the above limitation (Office Action, p. 3, sixth paragraph). Likewise, Ikeda also fails to teach the above limitation. According to Ikeda, if failure occurs in both the working and the protection lines, the signal goes to the second Working Receiver via protection line(s) *in inverse [sic] direction* as shown in Figure 12 (Ikeda, col. 7, ln. 66 – col. 8, ln. 2; emphasis added). Note that Ikeda only *changes direction of the signal*. Ikeda does not *maintain a*

*signal selection state of the switch* to continue outputting the only one of the first and the second outgoing optical signals *in the same direction* if both of the first and the second outgoing optical signals have failed. Therefore, Ikeda fails to teach the limitation of claim 1 set forth above.

Because neither Kuroyanagi nor Ikeda, alone or in combination, teaches all limitations set forth in claim 1, claim 1 is patentable over Kuroyanagi in view of Ikeda. Withdrawal of the rejection is respectfully requested.

Claims 9, 13, and 19 are also patentable over Kuroyanagi in view of Ikeda for the reason discussed above with respect to claim 1. Claims 2, 4, 6, 7, 10, 12, 14-17, and 20-23 depend, directly or indirectly, from claims 1 and 9, respectively. Thus, claims 2, 4, 6, 7, 10, 12, 14-17, and 20-23 are patentable over Kuroyanagi in view of Ikeda. Withdrawal of the rejection is respectfully requested.

Claims 3 and 11 are rejected under 35 U.S.C. §103(a) as being unpatentable over Kuroyanagi et al. (U.S. 6,433,900 B1), in view of Ikeda et al. (US 6,771,908 B2), as applied to claims 2 and 10 above, and further in view of Gerstel et al. (US 6,898,376 B1). Applicant respectfully traverses the rejection. Claims 3 and 11 depend from claims 1 and 9, respectively. For the reason discussed above with respect to claim 1, neither Kuroyanagi nor Ikeda, alone or in combination, teaches “*maintaining a signal selection state of the switch* to continue outputting the only one of the first and the second outgoing optical signals *in the same direction* if both of the first and the second outgoing optical signals have failed.” Furthermore, Gerstel also fails to teach the above limitation. Gerstel discloses a processor to receive system protocols and IDs from a system manager computer and to report back status to the system manager computer (Gerstel, col. 3, ln. 23-45; col. 3, ln. 64 – col. 4, ln. 15). Gerstel does not teach maintaining a signal selection

state of the optical switch to continue outputting the only one of the first and the second outgoing optical signals in the same direction if both of the first and the second outgoing optical signals have failed.

Since none of Kuroyanagi, Ikeda, and Gerstel, alone or in combination, teaches all limitation set forth in claims 3 and 11, claims 3 and 11 are patentable over Kuroyanagi in view of Ikeda and Gerstel. Withdrawal of the rejection is respectfully requested.

Claims 5, 8, 18, and 24 are rejected under 35 U.S.C. §103(a) as being unpatentable over Kuroyanagi et al. (US 6,433,900 B1), in view of Ikeda et al. (US 6,771,908 B2), as applied to claims 1 and 9 above, and further in view of Feinberg et al. (US 6,556,319 B2). Applicant respectfully traverses the rejection. Claims 5, 8, 18, and 24 depend, directly or indirectly, from claims 1, 13, and 19, respectively. For the reason discussed above with respect to claim 1, neither Kuroyanagi nor Ikeda, alone or in combination, teaches *“maintaining a signal selection state of the switch to continue outputting the only one of the first and the second outgoing optical signals in the same direction if both of the first and the second outgoing optical signals have failed.”* Furthermore, the other reference, Feinberg, also fails to teach the limitation set forth above. According to Feinberg, the optical system has two paths, namely, a service path and a protection path. If a processor determines that a service path is not operating normally, then the processor sends control signals to at least one of the last few line units on the second branch path (protection path), to instruct those line units to increase their power output levels to a normal power output state. (Feinberg, col. 3, ln. 60-67) Feinberg does not teach maintaining a signal selection state of the optical switch to continue outputting the only one of the first and the second outgoing optical signals in the same direction if both of the first and the second outgoing optical signals have failed.

Since none of Kuroyanagi, Ikeda, and Feinberg, alone or in combination, teaches all limitation set forth in claims 5, 8, 18, and 24, claims 5, 8, 18, and 24 are patentable over Kuroyanagi in view of Ikeda and Feinberg. Withdrawal of the rejection is respectfully requested.

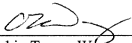
CONCLUSION

Applicant respectfully submits that the rejections have been overcome, and that the pending claims are in condition for allowance. Accordingly, Applicant respectfully requests the rejections be withdrawn and the pending claims be allowed.

Pursuant to 37 C.F.R. §1.136(a)(3), Applicant hereby requests and authorizes the U.S. Patent and Trademark Office to (1) treat any concurrent or future reply that requires a petition for extension of time as incorporating a petition for extension of time for the appropriate length of time and (2) charge all required fees, including extension of time fees and fees under 37 C.F.R. 1.16 and 1.17, to Deposit Account No. 02-2666.

Respectfully submitted,  
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

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